



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,822	04/19/2001	Balas Natarajan Kausik	053560-0004	2820

7590 10/04/2004

Joseph Yang, Ph.D.
Skadden, Arps, Slate, Meagher & Flom LLP
525 University Avenue
Palo Alto, CA 94301

EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,822

Applicant(s)

KAUSIK ET AL.

Examiner

William L. Bashore

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2, 6, 7.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2176

DETAILED ACTION

1. This action is responsive to communications: original application filed 4/19/2001, said application is a CIP of application 09/634,134 filed 8/8/2000. IDS filed 5/30/2001 (paper 2), 11/28/2001 (paper 6), and 1/29/2002 (paper 7).
2. claims 1-30 are pending. Claims 1, 24, 25, 27, 28, 29 are independent claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 14, 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In regard to dependent claims 14, 17, the word “*substantially*” is vague and indefinite. It is unclear to the examiner the scope of said word in the context of said claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2176

6. **Claims 1-16, 18-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al. (hereinafter Fields), U.S. Patent No. 6,128,655 issued October 2000.**

In regard to independent claim 1, Fields teaches replication of web pages with additional inserted advertisements, as well as updating (filtering) of said pages according to various policies, as well as fitting said pages to fit the “look and feel” of a host web site (Fields Abstract; compare with claim 1 “*A method for constructing parameterized web documents comprising the steps of*”).

Fields teaches receiving a submitted web page from a client and through the use of filters compares said document components to a source document, making changes as necessary (Fields column 4 lines 25-37, 50-65, column 6 lines 30-35). It is noted that Fields invention can be used for updating material on a host site as it changes on a provider web page (Fields column 2 lines 51-54) (compare with claim 1 “*receiving a input a current document to be distributed to a user;*” and “*identifying a base document that serves as a reference for said current document;*”).

Fields teaches (via the use of filters) differentiation between strings (i.e. content pieces, or objects, etc.) that occur in the source document, and those that do not occur in said source document (Fields column 6 lines 30-46, i.e. various banners etc. are preserved, but new features are added to the web page). Although Fields does not specifically disclose said strings are “compared”, nevertheless, it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret Fields’s differentiation as a comparison, because Fields must make the distinction as to what to keep and what to modify, which typically involves comparison of content, providing the benefit of contributing to the “look and feel” of a host site (compare with claim 1 “*decomposing said current document into (i) strings that occur in said base document, and (ii) strings that do not occur in said base document;*”).

Fields teaches final display of recasted web pages (Fields Figure 4). Fields additionally teaches downloading of a client based Java applet (a form of computer program) that retrieves dynamic content (and marked content) from a server at the user’s browser for eventual integration (i.e. string objects are compared,

Art Unit: 2176

etc.) (Fields column 6 lines 1-8; (compare with claim 1 “*creating a computer program....do not occur in said base document*”, and “*distributing said computer program... in its entirety.*”).

In regard to dependent claim 2, Fields does not specifically teach said creation of an applet containing document identifiers and references. However, since Fields’s applet would be specifically tailored to the particular displayed document, it would have been obvious to one of ordinary skill in the art at the time of the invention for said applet to include various references, identifiers, and comparison algorithms, providing the benefit of reducing network bottleneck at the hosting site (see Fields column 6 lines 4-8).

In regard to dependent claims 3, 4, Fields teaches a Java applet (typically Javascript) (Fields column 6 lines 1-8).

In regard to dependent claims 5, 6, Fields teaches a Java applet (typically Javascript which requires no special software, and can be configured to be self executing) (Fields column 6 lines 1-8).

In regard to dependent claim 7, Fields teaches preservation of various content in a recasted web page (i.e. the logo on a source page is preserved for updating purposes) (Fields column 6 lines 30-35).

In regard to dependent claims 8, 9, Fields teaches storage of content in a cache on a web server (Fields column 5 lines 12-19, 40-46). It is also well established that web browsers (i.e. Netscape) incorporate document and memory caches for speedier retrieval, minimizing bandwidth etc. (see also Fields column 5 lines 47-55).

In regard to dependent claim 10, Fields teaches caching content from a plurality of contributors in a local cache on a hosting Web server (Fields column 5 lines 12-15). Since the host (using said cache) eventually publishes content accordingly, said cache is common to all participating contributors.

In regard to dependent claim 11, Fields teaches a publisher utilizing advertisement banners for ad revenue via number of banner "hits". Fields also teaches ad solicitations from two sites rather than one (the host site as well as the contributor's site, Fields column 4 lines 14-25). If a contract between host and a contributor terminates, the web page will still exist (i.e. possess a lifetime longer than is displayed on the host site) since it will continue to be displayed on the contributor's site.

In regard to dependent claim 12, Fields teaches comparing "last modified" data of a cached version of a page to a current version of a page, replacing said page when data has changed (threshold is met) (Fields column 5 lines 25-34).

In regard to dependent claim 13, Fields teaches a downloaded Java applet for implementing Fields's invention (Fields column 6 lines 1-8). Since said applet is customized to return content associated with (and tailored to) a specific base document, said applet must be at least "aware" of the presence of said base document (i.e. a reference to said document)

In regard to dependent claim 14, Fields teaches a static portion of a document can be cached, since it remains the same for each visit at least for a period of time, therefore, recognition of said static portions (and usage of a cache) helps to minimize conflicts, accordingly (Fields column 5 lines 60-64).

In regard to dependent claims 15, 16, Fields teaches URLs (Fields column 7 lines 24-28).

In regard to dependent claims 18, 19, Fields teaches comparing a cached version of a document to the current version (Fields column 5 lines 25-34). If the similarity is the same, appropriate action commences.

In addition, the “freshness” of cached content implies newer and older versions (i.e. if the comparison as explained above reveals differences, a newer version exists).

In regard to dependent claim 20, Fields teaches templates to match the “look and feel” of a hosting Web site (Fields column 4 lines 57-60).

In regard to dependent claim 21, Fields teaches its invention utilizing HTML web pages (Fields Abstract, column 4 lines 1-9). Since HTML is tag based, the content (i.e. strings) within each block of tags can be fairly interpreted as block-based (i.e. object based, or text blocks, etc.).

In regard to dependent claims 22, 23, Fields teaches its invention utilizing HTML web pages (Fields Abstract, column 4 lines 1-9), said web pages encompassing the Internet’s “multimedia” information retrieval system (see Fields column 4 lines 6-8), therefore HTML (hypertext) can be fairly interpreted to include object blocks such as audio and video. Fields also teaches associated .wav and .mov files (Fields column 4 lines 43-47).

In regard to independent claim 24, claim 24 reflects the computer program product comprising computer readable instructions used for implementing the methods as claimed in claim 1, and is rejected along the same rationale.

Art Unit: 2176

In regard to independent claim 25, claim 25 reflects the system comprising computer readable instructions used for implementing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claim 26, Fields teaches storage of content in a cache on a web server (Fields column 5 lines 12-19, 40-46). It is also well established that web browsers (i.e. Netscape) incorporate document and memory caches for speedier retrieval, minimizing bandwidth etc. (see also Fields column 5 lines 47-55).

In regard to independent claim 27, claim 27 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

In regard to independent claim 28, claim 28 reflects the computer program product comprising computer readable instructions used for implementing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to independent claim 29, claim 29 reflects the system comprising computer readable instructions used for implementing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claim 30, Fields teaches storage of content in a cache on a web server (Fields column 5 lines 12-19, 40-46). It is also well established that web browsers (i.e. Netscape) incorporate document and memory caches for speedier retrieval, minimizing bandwidth etc. (see also Fields column 5 lines 47-55).

Art Unit: 2176

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fields as applied to claim 16 above, and further in view of Leighton et al. (hereinafter Leighton), U.S. Patent No. 6,108,703 issued August 2000.

In regard to dependent claim 17, Fields does not specifically teach inclusion of a random number into a URL. However, Leighton teaches object change detection via inclusion of a number into a URL, said number can be a hash number, and/or a serial including random bits generated by a given random function (Leighton column 7 lines 1-29). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Leighton to Fields, providing Fields the benefit of URL encoded random numbers to aid in detecting changes in documents.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (703) 308-5807. During the month of October 2004, the examiner's phone number will transition to (571) 272-4088. The examiner can normally be reached between the hours 11:30am - 8:00pm EST.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2176

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William L. Bashore
Patent Examiner AU 2176
September 28, 2004